

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No.: 21 MC 102(AKH)

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THIS DOCUMENT APPLIES TO ALL LOWER
MANHATTAN DISASTER SITE LITIGATION

**STIPULATION OF DISCONTINUANCE AS
TO DEFENDANTS, 90 CHURCH STREET
LIMITED PARTNERSHIP and BOSTON
PROPERTIES, INC. ONLY.**

SEE ATTACHED "EXHIBIT A"
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IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendants *90 CHURCH STREET LIMITED PARTNERSHIP and BOSTON PROPERTIES, INC. (hereinafter collectively referred to as "BOSTON PROPERTIES")*, only as to the claims being made as to the premises located at 90 Church Street (Post Office), New York, New York shall be and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the court of the litigation which determines that *BOSTON PROPERTIES*, are proper parties to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York

April 22, 2013

McGIVNEY & KLUGER, P.C.

Attorneys for Defendant

90 CHURCH STREET LIMITED PARTNERSHIP
and BOSTON PROPERTIES, INC.

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EXHIBIT A

PLAINTIFF'S NAME	INDEX NUMBER
Arruda, Betsy	06CV13787
Baczkowski, Andrzej	07CV01565